

## United States District Court

SOUTHERN

DISTRICT OF

TEXAS

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

## CRIMINAL COMPLAINT

Rigoberto Moreno

PRINCIPAL

YOB: 1996

United States District Court  
Southern District of Texas  
FILED

Case Number:

M-16-1308-M

JUL 12 2016

(Name and Address of Defendant)

Clerk of Court

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about 07/10/16 in Hidalgo County, in the Southern District of Texas defendants(s) did,  
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Obed Heliodoro Bautista-Cuiriz, a citizen and national of the United Mexican States and Giessy Hair Castillo-Soto and Dany Joseth Reyes-Canales, citizens and nationals of Honduras, for a total of three (3) Undocumented Aliens, who had entered the United States in violation of law, did knowingly transport, or move or attempt to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Penitas, Texas to the point of arrest near Edinburg, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY  
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:


On July 10, 2016, McAllen Border Patrol Border Patrol Agents were assigned to the Aerostat observed several subjects emerge from the brush and cross Military Highway near Penitas, Texas. Soon thereafter, air assets Omaha observed a white Chevrolet Silverado loading up subjects north-east of the Aerostat near Saenz Pharmacy in Penitas, TX. Omaha 40P stated the vehicle started traveling eastbound at a high rate of speed on Expressway 83 in Penitas, Texas. Omaha 40P followed the suspect vehicle and advised Border Patrol agents and local law enforcement as to the direction of travel. The vehicle traveled east on Expressway 83 using the on and off ramps in attempting to elude law enforcement. The vehicle traveled through the turnaround at Veteran's road, and continued west on the frontage road.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved by David A. Lindemal  
7/12/16

  
Signature of Complainant

Jon Chan Senior Patrol Agent  
Printed Name of Complainant

Sworn to before me and subscribed in my presence,

July 12, 2016  
Date

at McAllen, Texas  
City and State

Dorina Ramos  
Name and Title of Judicial Officer

U. S. Magistrate Judge

  
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
McALLEN, TEXAS**

**ATTACHMENT TO CRIMINAL COMPLAINT:**

**M-16-1308-M**

**RE: Rigoberto Moreno**

Prior to turning around, the suspect vehicle remained under the over pass for a short period of time. Omaha then stated the vehicle turned north on Highway 281. At this time, a Texas Department of Public Safety (DPS) unmarked vehicle assumed the role of lead vehicle, and continued following the suspect vehicle. Omaha stated the vehicle was exiting on Owassa Rd, travelling eastbound until turning north on Raul Longoria road. The vehicle then traveled east on Alberta road, and then turned north on Tower road. The vehicle travelled through several residential areas ultimately coming to a stop on Clay Street in Edinburg, Texas. At that point, the DPS trooper and agents placed the driver, later identified as Rigoberto Moreno under arrest without incident. The agents proceeded to check for additional subjects, but no other subjects were located in the vehicle. Agents traveled back to Veterans Boulevard to the location where Omaha advised subjects may have been dropped off. Agents and Officers were able to locate three subjects near the overpass. The three subjects self-admitted to being in the United States illegally. All subjects were placed under arrest and transported to the McAllen Border Patrol Station for interview and processing. At the time of the encounter, the subjects stated they were dropped off at that location by the driver in an attempt to avoid apprehension.

**PRINCIPAL STATEMENT:**

Rigoberto Moreno was read his rights, understood his rights and refused to speak without a lawyer present.

**MATERIAL WITNESS STATEMENTS:**

Obed Heliodoro Bautista-Cuiriz, Giessy Hair Castillo-Soto and Dany Joseth Reyes-Canales were read their rights, understood their rights and agreed to answer questions at this time.

**Obed Heliodoro BAUTISTA-Cuiriz:**

Obed Heliodoro Bautista-Cuiriz, a citizen and national of Mexico, stated that he paid 15,000 Mexican pesos to be smuggled into the United States. Once across the river, Bautista stated a foot guide walked the group through the brush to the location where the group was to be picked up. Bautista said a man in a silver pickup truck picked them up and once in the truck the driver told them to keep their head down. Shortly thereafter Bautista stated another person in the truck told the driver that a helicopter was following them. At this point, Bautista said the driver accelerated the vehicle and started yelling at someone on the phone, but was unable to understand what was said because he was yelling in English. Bautista stated he believes the driver was driving around 100 miles per hour and he was afraid the driver was going to kill him with the way the driver was driving. Bautista then stated that the driver slowed down under a bridge giving him and the other aliens time to exit the vehicle, where a few minutes later police came to arrest them. Bautista stated that he noticed the driver as a heavyset male with brown hair wearing a blue shirt and blue jeans, but does not recall his face because he was sitting in the back behind the driver.



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**Material Witness Statements:**

**Giessy Hair CASTILLO-Soto:**

Giessy Hair CASTILLO-Soto, a citizen and national of Honduras, stated he paid \$3,500 to be smuggled into the United States. Castillo stated the foot guides told the group to walk north from the river until they saw a clinic and then to wait there until someone arrived to pick them up. After waiting for an unknown amount of time, Castillo told agents a white 4 door pickup arrived to pick them up. Castillo stated he saw the driver when he entered the truck. Castillo described the driver as stocky with a thin beard wearing a shirt with different colors and pre-washed pants. Castillo stated once they were in the truck the driver told them to get down. Castillo then told agents once they started driving away the driver asked the person in the front passenger seat if anyone was following them. The passenger then told the driver that a helicopter was following them. Castillo then stated that he heard the driver on the phone and was speaking with someone telling them that they were being chased by a helicopter and a truck. Castillo stated that after a while the front seat passenger told the driver to drop them off because he was afraid the driver was going to hit something. Giessy Hair CASTILLO-Soto was able to identify Rigoberto Moreno, through a photo lineup, as the driver of the truck is was transported in.

**Dany Joseth REYES-Canales:**

Dany Joseth REYES-Canales, a citizen and national of Honduras, stated he entered on July 10, 2016 near Hidalgo, Texas. REYES-Canales stated he entered to seek employment and reside in Houston, Texas. REYES-Canales refused to answer any other questions about his smuggling attempt.